



250 E. 5th St.
Cincinnati, OH 45202

May 29, 2008

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

The Honorable Bart T. Stupak
Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

Dear Chairman Dingell and Chairman Stupak:

I, Jim Lugg, have been asked to reply to the Committee's inquiries at the request of Fernando Aguirre, CEO Chiquita, as my role at Chiquita encompasses responsibility for global food safety. The following information is provided to assist the Committee on Energy in Commerce in completion of its investigation of the Nation's food supply. Chiquita Brands International, Inc. is an international marketer and distributor of fresh and value-added food products, from bananas and other fruits to green salads. The company markets its products under the Chiquita® and Fresh Express® premium brands and other related trademarks.

Your committee has asked for specific information since January 1, 2000. The vast majority of Chiquita brand products are sourced internationally, therefore information pertaining to these products will be provided by June 12, 2008, the deadline stated in the Committee's original letter plus the one week extension, which was requested and granted. Fresh Express Incorporated is a wholly owned subsidiary of Chiquita with facilities located throughout the United States. This letter is responding to products sourced domestically by Fresh Express under the Fresh Express® and Chiquita® brands.

All documents labeled as attachments to this document are considered confidential and proprietary information. We request that we be notified at least 72 hours prior to any public release of them by the subcommittee.

The questions and responses are as follows:

1. A list of all food recalls and food safety alerts issued by your company. For each recall or safety alert, please provide the date of the recall alert, the product and brand affected, and the reason for the recall alert. If the food was affected by microbial or chemical contamination, please identify the contamination.

Answer: We have conducted 5 product recalls since January 1, 2000. Details of these recalls are described in "Attachment 1". We have not issued any food safety alerts separate from these recalls. FDA was notified in each of the recalls listed in "Attachment 1".

2. For each brand or kind of product, please list all instances when internal microbiological testing was found to be positive for the presence of *E. coli*, *Salmonella*, *Cyclospora cayetanensis*, *Cryptosporidium*, hepatitis A, *Clostridium botulinum*, or *Listeria* in excess of the highest limit acceptable to the Food and Drug Administration (FDA) or any State regulatory authority.

Answer: Fresh Express requests many tests per year for generic E. coli through third party laboratories, however there is no Federal regulatory limit for these organisms as they are not pathogenic. Fresh Express also conducts some testing for pathogenic organisms as listed in "Attachment 2".

3. For each brand or kind of product, please list the instances when internal testing was found to be positive for the presence of a chemical contaminant at levels in excess of the highest limit acceptable to FDA or and State regulatory authority.

Answer: No internal testing has found any chemical contaminant at levels in excess of Federal and State regulatory laws for finished products produced by Fresh Express or any of its subsidiaries.

4. For products imported into the United States for handling or processing by any facility operated by your firm, please list the instances when internal or outside laboratory testing was positive for the presence of either a chemical or microbiological contaminant in excess of FDA or State regulatory limits.

Answer: To our knowledge, there have been no instances for products imported into the United States for Fresh Express product when internal or outside laboratory testing was positive for the presence of either a chemical or microbiological contaminant in excess of FDA or State regulatory limits.

5. For each of the above items, please specify whether FDA was notified, and if not, why not.

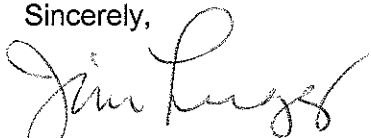
Answer: As noted in the answer to question 1, the FDA was notified of all recalls. In regard to question 2, the FDA was not notified of microbiological test results for Salmonella as listed in "Attachment 2" because product was destroyed prior to harvest and therefore never distributed to consumers.

6. Please supply a list of all instances where FDA or any State regulatory authority was denied entrance to any facility, foreign or domestic, or denied access to any records regarding microbiological or chemical testing performed on products processed at the facility. This request encompasses denials of initial requests for entry or any such testing regardless of whether the plant or its records were to be made available for inspection at a later date.

Answer: The company cooperates fully with FDA or any State regulatory agency relating to the inspection of the company's facilities and to access to documents pursuant to their respective authority as prescribed by law. Specific instances responsive to this question are contained in "Attachment 3".

Please let us know if you need additional information or clarification of the above. As noted, we will provide responses to questions 2-5 for our Chiquita brand products by June 12, 2008.

Sincerely,



Jim Lugg
Vice President of Global Quality and Food Safety
Chiquita-Fresh Express

cc: The Honorable Joe Barton
Ranking Member
Committee on Energy and Commerce

The Honorable John M. Shimkus
Ranking Member
Subcommittee on Oversight and Investigations